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FORT LAUDERDALE CITY COMMISSION  
OCTOBER 1, 2002**

Agenda Reso./Ord.

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION**

**CITY COMMISSION MEETING ROOM  
CITY HALL  
FORT LAUDERDALE, FLORIDA**

**OCTOBER 1, 2002**

Meeting was called to order at approximately 6:00 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz  
Commissioner Tim Smith  
Commissioner Carlton B. Moore  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson  
City Attorney, Harry Stewart  
City Clerk, Lucy Kisela  
Sergeant At Arms, Sergeant Waldman

Commissioner Smith entered the meeting at approximately 6:04 p.m.

Invocation was offered by Father Happy Hoyer, Our Lady Queen of Martyrs Church followed by the recitation of the Pledge of Allegiance.

**Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).**

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve the minutes of the September 17, 2002 meeting. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

**Presentations**

**OB**

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Gentry Schultz Fry and Francis T. Coulter, Sr.

2. Proclamation for "United Kingdom International Day"

Ms. Liberty, Vice-President of Business Recruitment for Broward Alliance, accepted a Proclamation from the Mayor and the City Commissioners for "United Kingdom International Day" to be celebrated on October 1, 2002.

Ms. Liberty stated that the purpose of Downtown Discovery was to highlight Broward County and Downtown Fort Lauderdale. She thanked the County and the City for their support and cooperation. Frank Schnidman distributed Welcome Packages that had been given to the guests from the United

Kingdom.

Loni Meyer, Bell South Business Systems, thanked the City for all their hard work.

Simon Davie, Her Majesty's Counsel, stated that every 18 months representatives of the trade and commercial effort from every embassy and consulate meet and discuss their ongoing work. A lot of the trade had to deal with British companies establishing themselves in South Florida for the purpose of trading. He explained that they had teamed up with the Broward Alliance because they found them to be an excellent and professional organization which attempted to bring everyone together. He proceeded to recognize the following individuals: Dr. Dennis McShane, Ministerial Team at the Foreign Commonwealth Office; Ken Timmons, Trade Partners UK in London; Eric Maxim, Country Manager; and John Wright, Miami Consulate.

3. Proclamation for "Breast Cancer Awareness Month"

Commissioner Hutchinson presented a proclamation to representatives from the Broward General Medical Center and the North Broward Hospital District in connection with "Breast Cancer Awareness Month" to be observed during the month of October.

Dr. Tranakas thanked everyone and stated that Broward General's Comprehensive Cancer Center was the first approved program in the County in 1985.

4. Proclamation for "Community Health Education Alliance"

Commissioner Moore presented a proclamation to Dr. Edwin H. Hamilton for his hard work as founder of the CHEA. Community Health Education Alliance was to be observed the week of October 14-20, 2000 and Dr. Edwin H. Hamilton Day was to be observed on October 19, 2002.

Dr. Hamilton thanked everyone for the recognition and reminded them how important health care was for every individual young and old.

5. Proclamation for "Fire Prevention Week"

Commissioner Hutchinson presented a Proclamation for "Fire Prevention Week" which was to be observed the week of October 6 - 13, 2002.

Commissioner Moore left the meeting at approximately 6:38 p.m. and returned at 6:42 p.m.

Chief Latin thanked everyone for the department's recognition. Commissioner Hutchinson proceeded to demonstrate the proper way to test a smoke detector.

6. 2002 United Way Campaign

Frank Coulter stated that the 2002 United Way Campaign would kick-off this evening and proceeded to pass out the pledge forms to the Mayor and City Commissioners. He announced that the campaign would run until November 1, 2002 and the goal was \$100,000. He announced that Kimberly Hill would be the United Way Campaign Manager for this year.

7. "Police and Fire Appreciation Day"

Commissioner Smith recognized Kim Warren and Cindy Smith for their hard work and efforts for organizing the "Police and Fire Appreciation Day." Kim Warren proceeded to present plaques to the

sponsors of this year's event. She stated that they wanted to make a donation from the money which had been left over from this event to a favorite charity of the Police and Fire Departments. A check in the amount of \$2,500 would be given to the Bryant Penney Scholarship Fund on behalf of the Police Department, and a check in the amount of \$2,500 to be given to Kids in Distress on behalf of the City's Fire Department.

8. Outstanding City Employees

The City Manager stated that the City would like to honor some of their outstanding employees. Greg Kisela, Assistant City Manager, presented awards on behalf of the Public Services Department as follows:

Bob Malloy, Julie Oakley, Jeri Pryor, Jeannette Sameem, Rich Reiley, Cecelia Zarate (Honored for their work regarding United Way)

Faye Outlaw, Acting Director of Community Development, presented the Employee of the Month Award to Wayne Strawn, Building Inspector. She stated that Mr. Strawn was being recognized for his contribution to Code Enforcement and had been with the City for over 12 years.

Commissioner Moore left the meeting at approximately 6:12 p.m. and returned at 6:16 p.m.

**KONOVER SITE**

**(OB)**

The City Manager stated that he had been authorized by the City Commission to finalize the deal relative to the development of the Konover site. He announced that a public/private partnership between Broward Baron Development Group and the City of Fort Lauderdale had been entered into.

Mayor Naugle stated that Item M-3, Monster Mash Halloween Bash, was to be held on Friday, October 25, 2002, and the road closure would be at 9:00 a.m. on Friday until 2:00 a.m. on Saturday, October 26, 2002.

**Consent Agenda**

**(CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

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**Event Agreement - Animal Swim (Benefit for Wildlife Care Center)**

**(M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Florida Gold Coast Masters** to indemnify, protect, and hold harmless the City from any liability in connection with the **Animal Swim** to be held **Sunday, November 24, 2002 from 8:00 a.m. to 1:00 p.m.** in the ocean off Fort Lauderdale Beach.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1426 from City Manager

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**Event Agreement - Fall Carnival**

**(M-2)**

A motion authorizing the proper City officials to execute an Indemnification and Hold Harmless Agreement with **Our Lady Queen of Martyrs Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **Fall Carnival** to be held **Thursday, October 31, 2002 from 6:00 p.m. to 10:00 p.m.; Friday, November 1, 2002 from 5:00 p.m. to 11:00 p.m.; Saturday, November 2, 2002 from 12:00 noon to 11:00 p.m.; and Sunday, November 3, 2002 from 12:00 noon to 10:00 p.m.;** and further authorizing the closing of S.W. 11 Court (Happy Hoyer Street) from S.W. 27 Avenue to S.W. 28 Avenue from 9:00 a.m. Monday, October 28 to 5:00 p.m. Monday, November 4, 2002.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1427 from City Manager.

---

**Event Agreement - Monster Mash Halloween Bash**

**(M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Covenant House Florida** to indemnify, protect, and hold harmless the City from any liability in connection with the **Monster Mash Halloween Bash** to be held **Thursday, October 31, 2002 from 5:00 p.m. to 11:00 p.m.;** and further authorizing the closing of Sunrise Lane from N.E. 9 Street to the north end of the Parrot Lounge from 9:00 a.m. on the event day to 2:00 a.m., Friday, November 1, 2002.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1428 from City Manager.

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**Event Agreement - Holiday Fest**

**(M-4)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Saint Jerome Catholic Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **Holiday Fest** to be held **Wednesday and Thursday, December 4 and 5, 2002 from 6:00 p.m. to 10:00 p.m.; Friday and Saturday, December 6 and 7, 2002 from 6:00 p.m. to 11:00 p.m.; and Sunday, December 8, 2002 from 1:00 p.m. to 8:00 p.m.** on Church property at 2601 S.W. 9 Avenue; and further authorizing the closing of S.W. 26 Street from S.W. 9 Avenue west to the 1000 block (approximately 1/4 mile) from 8:00 a.m. Monday, December 2, to 12:00 noon Monday, December 9, 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1437 from City Manager.

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**Event Agreement - Boat Show Party**

**(M-5)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Old Town at Riverwalk Merchants Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Boat Show Party** to be held **Sunday, November 3, 2002 from 5:00 p.m. to 12:00 midnight**; and further authorizing the closing of S.W. 2 Avenue from S.W. 2 Street to the Riverwalk from 3:00 p.m. on the event day to 3:00 a.m. Monday, November 4, 2002 (leaving S. W. 2 Street completely open).

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1438 from City Manager.

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**Event Agreement - Making Strides Against Breast Cancer**

**(M-6)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **American Cancer Society** to indemnify, protect, and hold harmless the City from any liability in connection with **Making Strides Against Breast Cancer** to be held **Saturday, October 12, 2002 from 7:00 a.m. to 1:00 p.m.** at Birch State Park and beach area sidewalks.

**Recommend:** Motion to approve

**Exhibit:** Memo No. 02-1439 from City Manager.

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**Event Agreement - Fort Lauderdale Billfish Tournament****(M-7)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Official Fort Lauderdale Billfish Tournament** to indemnify, protect, and hold harmless the City from any liability in connection with **Fort Lauderdale Billfish Tournament** to be held **Wednesday, November 13, 2002 from 6:00 a.m. to 10:00 p.m.; Friday and Saturday, November 14 and 15, 2002 from 6:00 a.m. to 8:00 p.m.; and Sunday, November 17, 2002 from 6:00 a.m. to 10:00 p.m.** at Las Olas Marina.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1452 from City Manager.

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**Event Agreement - Get Downtown Office Party****(M-8)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Riverwalk Fort Lauderdale Inc.**, to indemnify, protect, and hold harmless the City from any liability in connection with the **Get Downtown Office Party** to be held **Friday, November 22, 2002 from 5:00 p.m. to 8:30 p.m.** at the courtyard of Brasserie Las Olas and Stiles Courtyard.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1453 from City Manager.

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**Event Agreement - Gospel Street Jam****(M-9)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with the **Reformation Church of God** to indemnify, protect, and hold harmless the City from any liability in connection with the **Gospel Street Jam** to be held **Saturday, October 12, 2002 from 10:00 a.m. to 2:00 p.m.**; and further authorizing the closing of N.W. 7 Street from N.W. 15 Avenue to the west end of Church property; and N.W. 15 Avenue from N.W. 7 Street to the south end of Church property from 8:00 a.m. to 5:00 p.m. on the event date.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1454 from City Manager.

---

**Agreement - Art Serve (Broward County Commission Cultural Affairs Division Cooperative Marketing Program) - Advertising for City Festivals and Events****(M-10)**

A motion authorizing the proper City officials to execute an agreement with Art Serve for media advertising for City Festivals and events in the amount of \$14,840 for the period of October 1, 2002 through September 30, 2003.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1462 from City Manager.

---

**Audit Fees for Fiscal Year 2002 Audit - Ernst & Young, LLP**

**(M-11)**

A motion approving the audit fees in the total amount of \$216,000 for the firm of Ernst & Young, LLP for the Fiscal Year 2002 audit.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1478 from City Manager.

---

**Transfer of General Fund Contingencies and Task Order -  
Bailey Engineering Consultants - Project 10533 -  
Florida Power and Light (FPL) Expansion Plans**

**(M-12)**

A motion authorizing the proper City officials to execute a task order with Bailey Engineering Consultants in an amount not to exceed \$50,000 for the evaluation of expansion plans submitted by FPL.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1283 from City Manager.

---

**Contract Extension - Woolpert, LLP - Project 414A -  
Geographic Information Systems (GIS) Utility Mapping and  
Data Conversion Services**

**(M-13)**

A motion authorizing the proper City officials to execute a one-year contract extension with Woolpert, LLP for GIS utility mapping and data conversion services.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1424 from City Manager.

---

**Amendment to Comprehensive Annexation Bill for 2003  
State Legislative Session**

**(M-14)**

A motion approving the amendment to the Comprehensive Annexation Bill approved by the City Commission on September 17, 2002 for submission to the Broward County Delegation, in order to provide unincorporated neighborhoods a choice in the annexation referendum.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1470 from City Manager.

---

**Change Order No. 2 - F & L Construction, Inc. - Project 10250-B -  
Sidewalk Connecting Palm Aire Village Park and Neighborhood**

**(M-15)**

A motion authorizing the proper City officials to execute Change Order No. 2 with F & L Construction, Inc. in the amount of \$17,250 for the construction of new sidewalk to connect Palm Aire Village Park to the neighborhood north along N.W. 21 Avenue. (Also see Item M-16 on this Agenda)

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1282 from City Manager.

---

**Change Order No. 5 - Miami Skyline Construction Corporation  
- Project 15220 - Palm Aire Village Park**

**(M-16)**

A motion authorizing the proper City officials to execute Change Order No. 5 with Miami Skyline Construction Corporation in the amount of \$19,799.41 for additional work needed at Palm Aire Village Park. (Also see Item M-15 on this Agenda)

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1281 from City Manager.

---

**Disbursement of Funds - Joint Investigation - O.R. No. 02-4202 -  
\$24,267.10 U.S. Currency**

**(M-17)**

A motion authorizing the equitable disbursement of funds in the amount of \$24,267.10, with each of the 12 participating task force agencies to receive \$2,022.25.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-9-2 from City Attorney.

---

**Disbursement of Funds - Joint Investigation - O.R. No. 01-20384 -  
\$311.62 U.S. Currency**

**(M-18)**

A motion authorizing the equitable disbursement of funds in the amount of \$311.62, with each of the 14 participating task force agencies to receive \$21.59.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-9-3 from City Attorney.

---

**Disbursement of Funds - Joint Investigation - O.R. No. 02-112568  
\$65,956.92 U.S. Currency-**

**(M-19)**

A motion authorizing the equitable disbursement of funds in the amount of \$65,956.92, with each of the 15 participating task force agencies to receive \$4,397.12.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-9-4 from City Attorney.

---

**Transfer of Law Enforcement Trust Funds (LETF)  
And Agreements with Mount Olive Baptist Church and 4<sup>th</sup>  
Avenue Church of God - Youth Motivation Program (YMP) FY 2002/2003**

**(M-20)**

A motion authorizing the proper City officials to transfer \$50,000 from the LETF (Fund 107 to Fund 129); authorizing the property City officials to execute agreements with Mount Olive Baptist Church and 4<sup>th</sup> Avenue Church of God in support of the Youth Motivation Program (YMP) for FY 2002/2003; and further authorizing the proper City officials to execute all documents necessary to receive and expend funds in the amount of \$522,452 in support of the YMP.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1457 from City Manager.

---

**Tripartite Agreement - Performing Arts Center Authority  
(PACA) and Broward County - Fiscal Responsibilities for FY 2002/2003**

**(M-21)**

A motion authorizing the proper City officials to execute a tripartite agreement with PACA and Broward County to delineate fiscal responsibilities for FY 2002/2003. (Also see Item R-1 on this Agenda)

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1436 from City Manager.

---

**Allocation of Funds - RSP II Barnett Bank Plaza, Ltd. -  
Operation and Maintenance of the City Hall Parking Garage  
for FY 2002/2003**

**(M-22)**

A motion authorizing the allocation of funds in the amount of \$80,000 to RSP II Barnett Bank Plaza, Ltd. for the operation and maintenance of the City Hall Parking Garage during FY 2002/2003.

**Funds:** See Memo.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1391 from City Manager.

---

**Continuation of Health Benefits Coverage for Survivors  
and Dependents of the City Beach Crew Tragedy**

**(M-23)**

A motion approving the continuation of health insurance benefits for survivors/dependents and surviving disabled employee of the City's Beach Crew tragedy that took place February 9, 1996.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1224 from City Manager.

---

**Agreement - The Rhodes Insurance Group  
Preparation of Employee Health Plan Request for Proposals (RFP)**

**(M-24)**

A motion authorizing the proper city officials to execute an agreement with The Rhodes Insurance Group in an amount not to exceed \$30,000 for the preparation of an Employee Health Plan RFP.

**Funds:** See Memo  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1471 from City Manager.

---

**Agreement - Graylan Consulting, LLC and Fairfield  
Index, Inc. - Consulting Services for Economic Summit**

**(M-25)**

A motion authorizing the proper city officials to execute an agreement with Graylan Consulting, LLC in the amount of \$12,200 for services to develop and conduct the Economic Summit to be held October 9, 2002, and conduct follow-up as required.

**Funds:** See Memo  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1482 from City Manager.

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**PURCHASING AGENDA**

**332-8783 - P-Card Services and Rebate/  
Revenue Sharing and Software**

**(Pur - 1)**

An agreement for P-Card services and rebate/revenue sharing and P-card software is being presented for approval by the Administrative Services, Procurement and Materials Management Division.

Recommended Award: Sun Trust Bankcard, N.A.  
Orlando, FL  
Works Operating Company  
Austin, TX  
Amount: \$5,000.00  
Bids Collected/Rec'd: N/A  
Exhibits: Memorandum No. 02-1422 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees to approve the agreement.

---

**Proprietary - Microwave Equipment for Radio  
Communications**

**(Pur-2)**

An agreement to purchase microwave equipment for the City's radio communications system is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award: Harris Microwave Communications Division  
Alpharetta, GA  
Amount: \$ 70,699.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-1419 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

---

**Proprietary - Additional Services for Actuarial Review of Insurance Fund (Workers Compensation, Employment Practices and Property Liability)**

**(Pur-3)**

An agreement to purchase additional services for an actuarial review of workers compensation, employment practices, and property liability insurance is being presented for approval by the Finance, Risk Management Division.

Recommended Award: Insurance Industry Consultants, Inc.  
Atlanta, GA  
Amount: \$18,540.80  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-1444 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

---

**754.00-1 - Contract Extension for 800 MHz Radio System Maintenance**

**(Pur-4)**

A one-year contract extension for the 800 MHz radio system maintenance is being presented for approval for the Administrative Services Department, Telecommunications Division.

Recommended Award: Motorola, Inc.  
Sunrise, FL  
Amount: \$303,603.24  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-1464 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation.

---

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item Nos. M-4, M-11, M-12, M-16, M-20, M-24, —25 and Pur-4 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

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**Event Agreement - Holiday Fest**

**(M-4)**

Commissioner Hutchinson stated that she had pulled this item because she had a voting conflict regarding this matter.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to approve this item. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

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**Audit Fees for Fiscal Year 2002 Audit - Ernst & Young, LLP**

**(M-11)**

Commissioner Moore stated that he had pulled this item due to the fact that the increase for these services were due to new regulations in the audit process. He asked if the Commission had been aware of the new auditing processes prior to entering into the contract and further asked when the new legislation had been passed making the Commission unaware of the necessity of doing these particular tasks prior to entering into this contract.

*Damon Adams*, Director of Finance, stated that they had been aware of this for some time, but the contract had been brought before the City Commission and they had indicated that an agreement had not yet been reached regarding fees, and that they would bring that information back to the Commission at a later date.

Commissioner Moore clarified that the change in price was \$50,000. Mr. Adams reiterated that it was \$50,000 from last year and was split as follows: \$25,000 for auditing, and another \$25,000 for implementation. Commissioner Moore referred to the three employee shortages that were in that department and asked for a status update. Mr. Adams replied that one of the positions had been filled, and they were ready to make an offer on another one. He further stated that the third position should be filled within a couple of weeks.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to approve the auditing fees for the 2002 audit.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Transfer of General Fund Contingencies and Task Order -  
Bailey Engineering Consultants - Project 10533 -  
Florida Power and Light (FPL) Expansion Plans**

**(M-12)**

Commissioner Moore stated that he had pulled this item. He asked why they had not entered the contract directly with the individual instead of going through the firm.

Greg Kisela, Assistant City Manager, stated that they had a General Electric consultant and the process allowed them to secure the services of R W Beck without going through the competitive consultant process. Commissioner Moore asked if it cost additional money doing things this way, or was this the direct cost of the subconsultant. Mr. Kisela replied that there was no mark-up.

Commissioner Moore stated that there were various locations throughout the City where FPL put poles in the middle of sidewalks prohibiting pedestrian movement. He further asked how these poles could be removed so as not to impede the pedestrians and their safety. Commissioner Moore asked if the City was going to be challenged due to the fact that they allowed this to happen. The City Attorney stated that the City would not be liable unless there were circumstances around a particular pole which created a problem larger than what the pole created. Commissioner Moore asked how the City could prevent FPL from doing this in the future. Mr. Kisela stated that the reason this particular consultant had been brought in was to assist the City in dealing with issues regarding FPL such as the siting of substations, infrastructures, and the undergrounding of infrastructures for the future. In some cases, the poles were at the sites first and the sidewalks had been built around them. Each pole had to be checked individually. Mr. Kisela stated that these types of issues would be addressed as time went on.

Commissioner Moore asked that this matter be taken care of immediately because he believed that



pedestrian safety was at stake. He further stated that the City could be sued in regard to the ADA laws.

Mayor Naugle stated that FPL would be given a list of the poles which were causing safety problems and they would have to remove them by a certain period of time.

Commissioner Hutchinson stated that when FPL applied to install the poles, they were not site specific. She further stated that on the eastern section of the City there were concrete and wooden poles because they did not remove the wooden ones after they installed the concrete ones.

Commissioner Katz stated that District I had the same problems with the FPL poles and she commented that they hampered blind people who could not manipulate around them properly. She suggested that the committee discuss the wooden poles which had not yet been replaced.

Greg Kisela stated that a final report would be given to the Commission by the committee by the end of the year.

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to authorize the execution of the task order with Bailey Engineering Consultants. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

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Commissioner Moore asked the Commission if they could jump ahead to Item R-9 due to the fact that many people were in the audience regarding this matter.

**Demolition of Buildings**

**(R-9)**

Commissioner Moore stated that the following buildings had been removed by staff:

1115 N.W. 3 Avenue  
2122 N.W. 7 Court  
2130 N.W. 8 Street

Continued on page 31.

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**Change Order No. 5 - Miami Skyline Construction Corporation -  
Project 15220 - Palm Aire Village Park**

**(M-16)**

Commissioner Katz stated that she had pulled this item and wanted to know when this was going to be completed.

*Greg Kisela*, Assistant City Manager, stated that this project would be completed on January 24, 2003.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith to execute Change Order No. 5 with Miami Skyline Construction for additional work at Palm Aire Village.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

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**Transfer of Law Enforcement Trust Funds (LETF)  
and Agreements with Mount Olive Baptist Church and  
4<sup>th</sup> Avenue Church of God - Youth Motivation Program  
(YMP) FY 2002/2003**

**(M-20)**

Commissioner Smith stated that he had pulled this item. He stated that he believed in this program and explained that kids who were suspended or expelled had the choice of attending this 10-day program to help them with their problems. He explained this was not a mandatory program and wanted to know how they could make this be one.

*Bob Cooke*, Police Department, stated that this matter would have to be addressed by the Education Advisory Board, and then they would have to recommend to the School Board that this program be mandatory. He further stated that the methodology and the model worked and it had been in existence for over 10 years. The biggest advantages to the program were: (1) It found out the problem of the child, (2) it was a supervised environment, and (3) education was being saved for the kids.

Mayor Naugle asked if this item should be on the agenda for the Education Advisory Board. Commissioner Smith stated that could be done and also possibly it could be included in the discussions with the School Board in regard to the grant monies which were available.

The City Manager stated that this matter could be pursued on two fronts. He felt that the Education Advisory Board should be consulted first regarding this matter, and if that needed some subsidy, then they could refer to the grant programs.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the transfer of funds with the conditions suggested by the City Manager.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

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**Agreement - The Rhodes Insurance Group -  
Preparation of Employee Health Plan Request  
for Proposals (RFP)**

**(M-24)**

Commissioner Katz stated that she had pulled this item because she felt an RFP should be put out in order to find out what regular insurance would cost, and then compare that to the City's existing program and the present marketplace. She objected to only going out for a self-insured HMO.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the plan as written.

Commissioner Smith stated that he would like to hear a response from the City.

*Terry Sharp*, Assistant Finance Director, stated that the City's best opportunity in dealing with the deficit from the last few years was to stay self-insured. Commissioner Katz remarked that they were not seeing any savings, and were only getting deeper in debt.

Mayor Naugle stated that discussion had been held during the Commission's conference meeting and they had been told that often times when a company bid, they would bid low for the first year and then the rates would rise rapidly because they were not guaranteed. Meantime, the employees had to deal with new procedures and there was little stability. He felt that what went wrong in 1998 was that the plan was too rich and things were charged to the plan by certain management employees that were unreasonable.

Now, he stated that they were charged with bringing sanity back into the system.

Commissioner Moore stated that the recommendation which was being suggested was a sound position for the City to adopt and would allow the employees to have an option and help reduce their health care costs and make them more affordable. Meantime, the City could retain some of the opportunities for a profit so the deficit could be reduced. He reiterated that the plan was appropriate and if the EPO concept could be used, it would assist the City and give them a gate keeper for the plan.

Commissioner Katz stated that the employees were more concerned about how much was being deducted from their paychecks, and they would be willing to change to something that would cost less. The reality was that they were still not getting the discounts that they should be getting. She felt that if they went with a different group, possibly these discounts could be gotten.

Commissioner Moore stated that was the purpose of the RFPs.

Commissioner Smith stated that he had similar concerns as those of Commissioner Katz. He stated that professionals were brought in, changes were made, the HMO self-insured change was identified, and all this made him feel a little more confident, but if the deficits continued to grow, then he would prefer to switch to another company who could possibly manage things better. He felt things needed to be fixed in short order or he would not support this.

Mayor Naugle stated that this should be used as a last chance to make things work.

*Daman Adams*, Director of Finance Department, stated there was a schedule and it was very aggressive. He stated that the claims during the month of September were less than the total amount of the premiums paid into the fund.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

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**Agreement - Graylan Consulting, LLC and Fairfield  
Index, Inc. - Consulting Services for Economic Summit**

**(M-25)**

Commissioner Moore stated that he had pulled this item. He stated there was a \$12,000 increase in this contract and wanted to know how much money had been spent for the first consultant.

*Faye Outlaw*, Acting Director of Community Economic Development, stated that this same consultant had been used throughout the process.

Commissioner Moore stated that he was referring to the female consultant who had made her presentation. The City Manager stated that the person who made a presentation at the conference meeting was a separate situation. Ms. Outlaw stated that she did not have the figures with her at the moment. Commissioner Moore asked for a clarification regarding the change.

The City Manager stated this group first met with the Commission at the workshop at the Beach Community Center and an approach was laid out as to how the City should look at its building and what their mission should be regarding economic development. He explained that this group had been instrumental in building towards the Economic Summit which was scheduled for October 9<sup>th</sup>. The reason for the additional time was due to the fact that the City had engaged all the stakeholders to help in the design of the summit.

Commissioner Moore asked if they had gone to the Negro Chamber of Commerce and the Midtown Business Association and were they part of the summit.

*Michael Matthais*, Economic Development Manager, stated that there was a designated group which helped to form the Economic Steering Committee and Mr. Carter was one of the members who had participated. He further stated that Mr. Carter had expressed various concerns of the community at the meetings. Commissioner Moore reiterated that there was more than one person who should be included from the northwest quadrant to give input regarding this matter.

Commissioner Hutchinson left the meeting at approximately 7:29 p.m. and returned at 7:30 p.m.

The City Manager stated that the purpose of the Summit was to bring everyone together and to receive input from all groups. He stated that he believed that Mr. Carter was in attendance as a representative of the Midtown Business Association. He further stated that he would make sure that everyone would be invited to participate.

Mr. Matthais stated that it was critical that efforts would be made to ensure that city-wide input would be received regarding this matter.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith to approve the item as submitted.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

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**754.00-1 - Contract Extension for 800 MHz Radio  
System Maintenance**

**(Pur-4)**

Commissioner Katz stated that she had pulled this item and asked if this was a reasonable increase and how was the number arrived at.

*Kirk Buffington*, Purchasing Division, stated that in his opinion this was a reasonable increase. He explained that \$303,000 sounded like a lot of money, but the estimated value of the City's system was approximately \$10 Million. He further explained that this amount represented a 3% support cost for a \$10 Million system. In addition, the cost increase from last year's maintenance was only 2.1% which included additional equipment that had been added to the package.

Commissioner Katz stated that she was concerned when they made proprietary purchases because they were locked in to any increases that could take place.

Mr. Buffington stated that this system was selected over 10 years ago and the system had to be universal throughout. He agreed to a certain extent they were locked in and vulnerable to any price increases and that was the purpose for using the competitive process. He further stated that they did attempt to get at least five years up-front maintenance costs locked in when signing the contract.

Commissioner Moore asked if it was possible to look at their retired work force to see if those individuals could make themselves available to the City in the future.

*Mark Pallans*, Telecommunications Manager, stated that the infrastructure costs were what were involved in this maintenance contract and there was a very limited work force available.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to approve the contract as submitted.

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**Vacate a Portion of S.W. 16 Street - Andrews Avenue Properties and Investments, LLC/North Broward Hospital District (NBHD)**  
**(PZ Case No. 12-P-02)**

**(PH-1)**

At the Planning and Zoning Board regular meeting on August 21, 2002, it was recommended by a vote of 5-1 that the following application be approved. Notice of public hearing was published September 19 and 26, 2002.

Applicant: Andrews Avenue Properties and Investments, LLC/NBHD  
Request: Vacate a portion of S.W. 16 Street  
Location: S.W. 16 Street, west of South Andrews avenue and east of S.W. 1 Avenue

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Commissioner Katz stated that in the back-up from the Planning and Zoning Board there appeared to be concern regarding the handicap spaces, widening the sidewalks, and replacing the 22 parking spaces. She asked if these items had been addressed.

*Jim Koeth*, Planning and Zoning, stated that the applicant had adjusted their site plan and the items had been addressed.

*Doug Gottshall*, Parking and Central Services Manager, stated that they increased their on-street parking spaces from 22 to 29 spaces. Commissioner Katz further questioned the matter of the handicap spaces and their locations. He explained that the handicap spaces had been built into the plan. Mr. Koeth further explained that the applicant had modified their plan and reviewed it with the City's handicap professionals.

*Robert Lochrie*, attorney for the applicant, proceeded to show the graphics pertaining to the parking spaces and explained that the handicap spaces were now located in the garage.

Commissioner Moore introduced the following ordinance on first reading:

**ORDINANCE No. C-02-29**

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF SOUTHWEST 16<sup>TH</sup> STREET, (PLATTED AS OBISPO STREET), AS SHOWN ON THE PLAT OF "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LYING BETWEEN BLOCKS 35 AND 38 OF SAID "CROISSANT PARK" AND BEING BOUNDED ON THE EAST BY THE WEST

RIGHT-OF-WAY LINE OF ANDREWS AVENUE (PLATTED AS ANDREWS BOULEVARD) AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 1<sup>ST</sup> AVENUE (PLATTED AS TURNER AVENUE), SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

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**Rezone RM-15 to X-P-R with Allocation of Flexibility -  
Broward Barron, Inc. (PZ Case No. 8-ZE-01)**

**(PH-2)**

At the Planning and Zoning Board regular meeting on August 21, 2002, it was recommended by a vote of 6-0 that the following application be approved. Notice of public hearing was published September 19 and 26, 2002.

Applicant: Broward Barron, Inc.  
Request: Rezone RM-15 to X-P-R with Allocation of Flexibility  
Location: 1514 S. E. 2 Court

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to close the public hearing.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Commissioner Moore disclosed that he had communications with the attorney for Broward Barron, and the Housing Authority. Mayor Naugle disclosed that he had communications with Broward Barron, HUD, the Housing Authority, and had been to the site. Commissioner Hutchinson stated that she had spoken with Robert Lochrie.

Commissioner Moore introduced the following ordinance on first reading:

**ORDINANCE NO. C-02-30**

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RM-15 to X-P-R INCLUDING THE ALLOCATION OF FLEXIBILITY UNITS AND SITE PLAN APPROVAL; LOT 5, BLOCK 40, "COLEE HAMMOCK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF SOUTHEAST 2<sup>ND</sup> COURT BETWEEN SOUTHEAST 15<sup>TH</sup> AVENUE AND SOUTHEAST 16<sup>TH</sup> AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

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**ORDINANCES**

**Vacate a Portion of N.E. 17 Way - Brett Tannenbaum  
(PZ Case No. 1-P-02)**

**(O-1)**

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Ordinance No. C-02-26 was published September 5 and 12, 2002, and passed on first reading September 17, 2002 by a vote of 3-2 (Katz and Moore). (Also see Item O-2 on this Agenda)

Applicant: Brett tannenbaum  
Request: Vacate a portion of N.E. 17 Way  
Location: N.E. 17 Way and N.E. 17 Terrace, south of N.E. 11 Street  
between N.E. 17 Avenue and Victoria Park Road

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-02-26**

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR NORTHEAST 17<sup>TH</sup> WAY (PLATTED AS 3<sup>RD</sup> ST), LYING BETWEEN BLOCKS 166 AND 167 AND BEING BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11<sup>TH</sup> STREET (PLATTED AS AVENUE "F") AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 5, OF SAID BLOCK 167; ALL AS SHOWN ON THE PLAT OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 250 FEET IN LENGTH, BEGINNING AT THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11<sup>TH</sup> STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only.

Commissioner Katz stated that she was glad to see that the shadow box fence had been changed to an aluminum picket fence which meant that they were not going to close themselves off from the community. She further stated that she was not happy about the privatizing of the street nor the buzzer. She asked if a condition of the Commission's approval would be that if they failed to provide public access, the buzzer approval would be revoked. The Commission agreed.

The City Attorney explained that this ordinance was regarding a vacation and once a street was vacated it was done. He further stated that conditions could be placed on a vacation, but that would not reinstate the public nature of the road. There could be a cause of action to force the developer to abide by his contract, but the road would still be vacated.

*Allyson Goodwin*, on behalf of the applicant, stated that they would be willing to enter into an agreement regarding the buzzer.

Commissioner Katz stated that it would be up to the community to let the Commission know if public access was available to the site. Commissioner Smith stated that the community was very happy and

supportive about this project.

*Rixon Rafter*, President of Lake Ridge Civic Association, stated that this development replaced old buildings which 45 years ago were economy hotels and motels which were presently in deplorable condition. He further stated that the people living in those buildings were not a part of the community and had no respect for the community. He also stated that the issue regarding the buzzer and public access had been blown out of proportion. The community felt that this development was very good for the neighborhood, and they urged the Commission to support it.

Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioners Katz and Moore.

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**Vacate a Portion of N.E. 17 Terrace - Brett Tannenbaum  
(PZ Case No. 2-P-02)**

**(O-2)**

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Ordinance No. C-02-27 was published September 5 and 12, 2002, and passed on first reading September 17, 2002 by a vote of 3-2 (Katz and Moore). (Also see Item O-1 on this Agenda)

Applicant: Brett Tannenbaum  
Request: Vacate a portion of N.E. 17 Terrace  
Location: N.E. 17 Way and N.E. 17 Terrace, south of N.E. 11 Street  
between N.E. 17 Avenue and Victoria Park Road

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-02-27**

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 17<sup>TH</sup> TERRACE (PLATTED AS 4<sup>TH</sup> STREET), LYING BETWEEN BLOCKS 167 AND 168 AND BEING BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, OF SAID BLOCK 168 AND BEING BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 6, OF SAID BLOCK 168; ALL AS SHOWN ON THE PLAT OF "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 200 FEET IN LENGTH, LOCATED 200 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11<sup>TH</sup> STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle, NAYS: Commissioners Katz and Moore.

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**Amendment to the Pay Plan - Pay Range Amounts**

**(O-3)**

An ordinance amending the Pay Plan of the City, modifying the schedules for pay range amounts for supervisory, professional, managerial and confidential employees. Ordinance No. C-02-28 was published September 7, 2002, and passed on first reading September 17, 2002 by a vote of 4-0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-28

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA MODIFYING THE SCHEDULES FOR PAY RANGE AMOUNTS FOR SUPERVISORY, PROFESSIONAL, MANAGERIAL AND CONFIDENTIAL EMPLOYEES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Amendment to Chapter 9 "Building and Construction" -  
(Sections 9-48 to 9-52 and Section 9-54) - Increase in Permit Fees**

**(O-4)**

An ordinance amending Chapter 9 titled "Buildings and Construction," of the Code of Ordinances to provide for increases to permit fees by amending Section 9-48 through 9-52 and Section 9-54. Notice of proposed ordinance was published September 21, 2002.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-31

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 9, "BUILDING AND CONSTRUCTION," PROVIDING FOR INCREASES TO PERMIT FEES BY AMENDING SECTION 9-48, "GENERAL PERMIT FEES," SECTION 9-49, "ELECTRICAL PERMIT FEES," SECTION 9-50, "PLUMBING PERMIT FEES," SECTION 9-51, "MECHANICAL PERMIT FEES," SECTION 9-52, "LANDSCAPING AND TREE REMOVAL PERMIT FEES," AND SECTION 9-54, "SIGNS AND ADVERTISING DISPLAY PERMIT FEES."

Which ordinance was read by title only.

Commissioner Smith stated that many of the constituents which he represented were not comfortable with this and feel that it hit the single-family homeowner, and they did not feel that this was an appropriate place to take additional funds from for that department. He further stated that he was not in support of this ordinance.

*Ted DeSmith*, Building Services Manager, explained that the proposed fee increases which had been submitted were based on the fee study that DMG did in 1995. He stated that they did not have a problem with how the fees would be paid, but, of course, wanted to be cost recovery and follow the same guidelines as they did in the past, which was 80% cost recovery.

Commissioner Katz stated that the amount of money they were asking for regarding a permit for a residence of 2500 sq. ft. appeared low. She suggested that possibly the money could be made up in that area. Commissioner Smith remarked that the City was higher than other places, except for Hollywood. Everyone else was cheaper.

Mayor Naugle suggested that the Commission consider passing this on the first reading and adjust it at the second reading to have the cost lowered for smaller items.

Commissioner Smith stated that the single-family homeowner should be encouraged to make improvements to their homes, and felt the fees should be readjusted. He stated that he was willing to pass this on the first reading, if they reviewed the matter more closely before the second reading. Mr. DeSmith agreed. Commissioner Moore stated that he was concerned about the future because taxes could be increased since the fees had not been adjusted for the individuals who were using the services.

Mayor Naugle stated that the same amount of money would be raised. Commissioner Moore felt that would be difficult to do. Commissioner Smith believed the fees could be put on the people constructing the big buildings.

Greg Kisela, Assistant City Manager, stated that the smaller items were more frequent than the larger remodeling jobs. He stated that they would review the matter and bring it back to the Commission. Commissioner Hutchinson remarked that she was in agreement with the schedule.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Amend Unified Land Development Regulations (ULDR) (O-5)**  
**Sections 47-23.9 and 47-21.10 - Interdistrict Corridor**  
**Requirements/Landscape Requirements for all Zoned**  
**Districts - Additional Requirements for Properties on**  
**State Road 84 (PZ Case No. 12-T-00)**

At the Planning and Zoning Board regular meeting on August 21, 2002, it was recommended by a vote of 4-2 that the following application be approved. Notice of proposed ordinance was published September 21, 2002.

Applicant: City of Fort Lauderdale/Construction Services Bureau  
Request: Amend Unified Land Development Regulations (ULDR) Sections 47-23.9 and 47-21.10 - Interdistrict Corridor Requirements and Landscape Requirements for all Zoned Districts to provide additional development requirements for properties located on State Road 84 between Federal Highway and I-95.

Commissioner Moore introduced the following ordinance on first reading:

**ORDINANCE NO. C-02-32**

**AN ORDINANCE AMENDING THE UNIFIED LAND  
DEVELOPMENT REGULATIONS OF THE CITY OF  
FORT LAUDERDALE, FLORIDA, AMENDING  
SECTION 47-23.9, INTERDISTRICT CORRIDOR  
REQUIREMENTS, AND AMENDING SECTION  
47-21.10, LANDSCAPE REQUIREMENTS FOR ALL**

ZONED DISTRICTS, AND OTHER PROVISIONS OF THE ULDR TO PROVIDE ADDITIONAL DEVELOPMENT REQUIREMENTS FOR PROPERTIES LOCATED ON STATE ROAD 84 BETWEEN FEDERAL HIGHWAY AND INTERSTATE 95 INCLUDING A BUILD TO LINE, LANDSCAPING, TREE, SIDEWALK, PEDESTRIAN PATH, AWNING AND ARCHITECTURAL DETAIL REQUIREMENTS; AND TO MODIFY NON-CONFORMING REGULATIONS APPLICABLE TO THESE REQUIREMENTS.

Which ordinance was read by title only.

Commissioner Hutchinson thanked staff for all their hard work over the last 3 years.

Commissioner Katz stated that this was a good idea and asked if this could be done for Federal Highway and Andrews Avenue. She further stated that the community on State Road 84 might want to consider canopies or some type of protection for when they have mass transit.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Amend Unified Land Development Regulations (ULDR)  
Section 47-19 - Boat Slips, Docks, Boat Davits, Hoists  
and Similar Devices; and Berthing Envelopes at Canal  
Ends (PZ Case No. 3-T-02)**

**(O-6)**

At the Planning and Zoning Board regular meeting on June 19, 2002, it was recommended by a vote of 7-1 that the following application be approved. Notice of proposed ordinance was published September 21, 2002.

Applicant:	City of Fort Lauderdale/Construction Services Bureau
Request:	Amend Unified Land Development Regulations (ULDR) Section 47-19.3(G) titled "Boat Slips, Docks, Boat Davits, Hoists and Similar Devices," to create a new Subsection 47-19.3(I) titled "Modifications of Berthing Envelopes for Properties at Canal Ends."

Commissioner Katz stated that this had gone on for some time and most of the members of the Homeowners' Associations wanted a chance to have a workshop to hear the presentation and give their input, because once this was passed the minimums and parameters would work for everyone at a canal end. She suggested deferring this item until November 5, 2002 at 6:00 p.m. She also suggested that the workshop be held and include residents from Bermuda Riviera, Landings, Coral Ridge Country Club, Coral Ridge, and two canals which were located in Commissioner Hutchinson's district.

Mayor Naugle stated that there were 20 to 30 canals which would be affected, such as Citrus and Lauderdale Isles. Mayor Naugle reiterated that this item had been before various boards. Commissioner Katz stated that she did not believe that the residents of the communities fully understood how this would affect them and she felt it was only fair for the people to hear the ramifications that would be involved.

**Motion** made by Commissioner Katz and seconded by Commissioner Moore to defer the first reading until November 5, 2002 at 6:00 p.m.

Mayor Naugle asked if this would also include a delay in the matter of the waiver of limitations for Rudnik and Stephenson. He reiterated that the Commission had agreed that the matter for Rudnik would be addressed at the second reading of this ordinance.

*Greg Kisela*, Assistant City Manager, stated they were looking at the third week of October for the workshop and the first reading would be November 5, 2002.

Commissioner Smith stated that some people from the public were present to speak on this item at tonight's meeting and he would prefer to hear their input.

*Mark Stephenson*, resident, stated that he had 40' of waterfront and wanted to put a 24' boat behind his house which had been bought as unrestricted access deep water property. He further stated that he had been forced to remove his boat approximately one year ago, and incurred almost \$50,000 in legal fees regarding this matter. He explained that he was fighting this issue not because he created it, but because the City had created the problem. He further stated that he had gone up and down the canals this past week at Coral Ridge and Coral Ridge Country Club which consisted of 13 and took photographs of 37 violations on those canals. He strongly believed there was selective enforcement of the law. He was told by the City that a complaint had been made against him by a neighbor. He asked if in retaliation he should turn around and turn 37 people in, but he did not feel that was the proper way to handle this matter.

Mr. Stephenson stated that he agreed with the residents at the Landings that the side setbacks and extensions of the side property lines were unconstitutional. He was told that this was a problem for many years city-wide. He stated that he wanted relief as soon as possible.

Commissioner Smith stated this problem existed between the Rudnik's and the Stephenson's for a long time, and he asked how they could grant some interim relief while this ordinance was being drafted.

The City Attorney stated that it was not yet known that the two individuals had reached an agreement. *Robert Dunckel*, Assistant City Attorney, stated Mr. Stephenson had been denied a variance by the Board of Adjustment and as a result a dispute resolution action had been filed. The matter had been held in abeyance while this ordinance was being drafted. One possible avenue of relief for Mr. Stephenson would be to resurrect the dispute resolution action which would take approximately 60 days before it could come again before the Commission. Another avenue of approach would be to go back to the Board of Adjustment for a temporary non-conforming use permit which would be good for one year.

Mayor Naugle stated that other people in the audience were in similar circumstances who were not a party to the dispute. The Assistant City Attorney stated that if the ordinance came back in 30 days and it passed in two readings, there would have to be an agreement and an application by the relevant property owners. Then, this would go to the Marine Advisory Board before coming back to the Commission. Therefore, more than 30 days was needed for a solution.

Commissioner Smith asked for a clarification of the Bert-Harris Act. The City Attorney stated that anyone who had changed their position in reliance upon the action would have equitable estoppel and would acquire rights under Bert-Harris. He suggested that if the Board decided to defer this matter, they might advise Mr. Stephenson to move forward with the dispute resolution and have that decision return with a recommendation. Therefore, an impartial hearing officer would make a recommendation regarding the rights of the two parties. Then, that decision could be incorporated into the ordinance or the whole matter could be dropped.

Commissioner Smith agreed. Commissioner Katz stated that she believed that would set a precedent. The City Attorney stated that the only precedent set would be under the Bert-Harris Act.

Commissioner Smith asked if they would be held to the same solution. The City Manager explained that each instance would move forward on its own merits. Commissioner Smith stated that he would support Commissioner Katz's motion for deferral and suggest Mr. Stephenson proceed forward with the dispute resolution case.

Commissioner Moore stated that would involve additional legal fees for Mr. Stephenson. Commissioner Moore stated that he would like a method for solving this problem so that the District Commissioner could put an end to this matter. Mayor Naugle stated that both parties had violations on their properties. He further asked why the law was being enforced on one party and not on the other, and could Mr. Stephenson be permitted to use his boat in the interim. Commissioner Katz stated that she thought there was a safety issue involved. She further stated that they should move forward with the workshop so all issues and concerns could be presented.

Mayor Naugle stated that both parties had violations.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore and Mayor Naugle. NAYS: Commissioner Hutchinson.

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## RESOLUTIONS

### **Performing Arts Center Authority (PACA) Budget for FY 2002/2003**

**(R-1)**

A resolution approving the PACA budget for FY 2002/2003. (Also see item M-21 on this Agenda).

Commissioner Smith introduced the following resolution:

#### RESOLUTION NO. 02-162

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FORT LAUDERDALE, FLORIDA, APPROVING THE BUDGET  
OF THE PERFORMING ARTS CENTER AUTHORITY FOR  
FISCAL YEAR 2002/2003.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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### **Downtown Development Authority (DDA) Budget and Millage Rates for FY 2002/2003**

**(R-2)**

A resolution approving the DDA budget and millage rates for operations and debt service for FY 2002/2003.

Commissioner Hutchinson introduced the following resolution:

#### RESOLUTION NO. 02-163

A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF FORT LAUDERDALE, FLORIDA, LEVYING AN

AD VALOREM TAX FOR FISCAL YEAR 2002/2003 ON  
BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY  
OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT  
TO CHAPTER 69-1056, LAWS OF FLORIDA, SPECIAL ACTS  
OF 1969.

Which resolution was read by title only.

Commissioner Katz asked if the General Fund Expenditures and Professional Fees were broken down anywhere.

*Boe Cole*, City Treasurer, stated that a good portion of those fees were for various organizations that they belong to, as well as the attorneys. He further stated that he did not have the details with him at the meeting.

The City Manager suggested that this item be tabled so Mr. Cole could obtain the requested information.

(Continued on page 32)

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**Vacate Portion of Utilities Easement and Dedication  
of Portion of Right-of-Way for Easement Purposes -  
E. & B. Morley and T. & M. Tahmassebi (PZ Case No. 25-P-00)**

**(R-3)**

A resolution authorizing the vacation of a portion of the utilities easement provided for in Section 2 of Ordinance No. C-01-19 adopted September 20, 2001, and further requiring the dedication of a portion of the right-of-way for easement purposes.

Commissioner Smith introduced the following resolution:

RESOLUTION 02-164

A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF FORT LAUDERDALE, FLORIDA, VACATING A  
PORTION OF A UTILITY EASEMENT PROVIDED FOR IN  
ORDINANCE NO. C-01-19.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Results of Negotiations for Purchase of Insurance -  
Employment Practices Liability Insurance and Public  
Officials Liability Coverage**

**(R-4)**

A resolution authorizing the proper City officials to renew the public officials liability insurance policy with National Union Fire Insurance Company; and further authorizing the rejection of offers for Employment practices Liability Insurance. (At the September 17, 2002 meeting, the City Commission tabled consideration of this item.)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES, AWARDING A CONTRACT TO NATIONAL UNION FIRE INSURANCE COMPANY FOR PUBLIC OFFICIAL LIABILITY INSURANCE AND REJECTING THE PROPOSAL FOR EMPLOYMENT PRACTICES COVERAGE.

Which resolution was read by title only.

Mayor Naugle stated that the Commission had received a recommendation from the Insurance Advisory Board and he further asked for a clarification of that recommendation.

*Terry Sharp*, Assistant Finance Director, explained they were supporting a recommendation for the public officials liability, but were recommending on the employment practices that the Commission approve a policy with Zurich American Insurance Company at a premium of \$320,000 with a retention of \$500,000, and a \$3 Million aggregate.

Mayor Naugle asked if the City Manager was recommending they follow the advice of the Advisory Board.

The City Manager stated that they were recommending following the advice of the Advisory Board.

The resolution was re-read as amended:

RESOLUTION NO. 02-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES, AWARDING A CONTRACT TO NATIONAL UNION FIRE INSURANCE COMPANY FOR PUBLIC OFFICIAL LIABILITY INSURANCE AND AWARDING A CONTRACT FOR EMPLOYMENT PRACTICES COVERAGE.

Mayor Naugle reiterated that this resolution was different from how it was presented at the first meeting.

Mr. Sharp explained that the last vote was to table the resolution. Mayor Naugle clarified that the Commission had voted 4-1 to accept staff's recommendation and not get the employment insurance, and a motion was made to reconsider. Then, it was tabled.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Amendment to Agreement - North Broward Hospital District  
(NBHD) - Wellness Services (Intervent Program)**

**(R-5)**

A resolution authorizing the proper City officials to execute an amendment to the agreement with the NBHD for medical care discounts in the employee health plan to add the NBHD's Intervent Program for wellness services for management and confidential employees.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE EXISTING AGREEMENT WITH THE NORTH BROWARD HOSPITAL DISTRICT FOR MEDICAL CARE DISCOUNTS IN THE EMPLOYEE HEALTH PLAN, AND TO ADD THE DISTRICT'S INTERVENT PROGRAM TO ITS WELLNESS PROGRAM FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES.

Which resolution was read by title only.

Commissioner Katz asked if they were not going to go over \$127,000.

*Damon Adams*, Director of Finance, stated that in examining the utilization of wellness now and projecting similar utilization into the future, they would not expect the expenditures to exceed what was currently budgeted for the next fiscal year.

Commissioner Katz asked if there was a ceiling. Mr. Adams replied there was not and explained that the bio-feedback was an optional item and there was a fixed cost for all services per employee.

Commissioner Hutchinson asked if she could participate in this program. Mr. Adams stated she could participate.

Commissioner Smith asked if they were going to offer a program to employees who smoked to help them quit. Mr. Adams stated this program was it and was for the management confidential group. Commissioner Smith asked if this service would be offered to the remaining employees. Mr. Adams stated it would not be offered to the other employees at this time. Commissioner Smith stated he would support this if they would check into offering the program to all employees in the near future. Mr. Adams agreed.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Appointment of Squire, Sanders & Dempsey, LLP as Bond Counsel and Steve Bullock, LLP as Disclosure Counsel - 1997 General Obligation Bonds (GOB) and First Series of Water and Sewer Revenue Bonds**

**(R-6)**

A resolution appointing the firm of Squire, Sanders & Dempsey, LLP as Bond Counsel, and the firm of Steve Bullock, LLP as Disclosure Counsel for upcoming Bond issues including the refunding of the 1997 GOB and First Series of Water and Sewer Revenue Bonds.



Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING ALBERT DEL CASTILLO OF THE LAW FIRM OF SQUIRE, SANDERS & DEMPSEY L.L.P. TO ACT AS BOND COUNSEL AND STEVEN BULLOCK OF THE LAW FIRM OF STEVEN BULLOCK, P.A. TO ACT AS DISCLOSURE COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA, IN CONNECTION WITH PROPOSED BOND ISSUES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Plat Approval - "Ness Plat" - Ness Trailer Park, Inc. (PZ  
Case No. 7-P-02)**

**(R-7)**

At the Planning and Zoning Board regular meeting of August 21, 2002, it was recommended by a vote of 5-0 that the following application be approved.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-168

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A PLAT KNOWN AS "NESS PLAT."

Which resolution was read by title only.

Commissioner Hutchinson disclosed that she had not spoken to anyone in regard to this matter. Commissioner Smith disclosed that he had also spoken to no one regarding this matter.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Lot Clearing and Cleaning Charges**

**(R-8)**

A resolution authorizing the imposition of liens against certain properties for costs associated with clearing and removal of debris located thereon.

Commissioner Moore left the meeting at approximately 8:28 p.m. and returned at 8:29 p.m.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Demolition of Buildings**

**(R-9)**

(Continued from page 13)

At the Unsafe Structures and Housing Appeals Board meetings of July 18, 2002 and August 15, 2002, it was recommended that the following buildings be demolished and the properties be assessed with the appropriate costs:

- a. 426 S.W. 4<sup>th</sup> Avenue
- b. 845 N.W. 19 Terrace
- c. 1016 N.W. 5 Court
- g. 3904 S.W. 13 Court

Commissioner Smith asked why the other three items had been deferred in this matter. The City Manager stated that they had to renote one address, one had a change in the mortgage, and Ms. Milano would explain the matter further.

*Lori Milano*, Community Inspections Director, stated that the property at 1115 N.W. 3 Avenue had been involved in a mortgage foreclosure and a lis pendens had been filed so the property would have to be renoticed. The owner of the property at 2122 N.W. 7 Court had another address and a requirement under the Building Code was to notice the last owner of record. The property at 2130 N.W. 8 Street was in the process of foreclosure. They were working with the property owner and Economic Development on that property and were attempting to provide a replacement house. She further stated that all three of these

matters would be presented to the Unsafe Structures Board as soon as possible.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the buildings listed as a,b, and c for demolition.

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

In regard to 3904 S.W. 13 Court, *James Ball* stated that they had done considerable work on this building.

*Charles Vogner*, Patterson Engineering, explained that currently the homeowner had resubmitted revised plans for a permit. He was approved by zoning, electrical and mechanical with outstanding issues regarding structural and plumbing which were to be addressed. The owner was requesting a 30-day extension in order to get the permit under the new Florida Building Code Standards and complete the work.

Commissioner Moore stated that this building had burned down in 1995 and had been abandoned for a long time. The owner began making repairs once he had been cited, and then quit. Commissioner Moore felt the building should be demolished.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that 3904 S.W. 13 Court be demolished.

Ms. Milano stated that Commissioner Moore was correct and staff had also been challenged in regard to this structure. She explained that the owner would be cited, he then worked for a while, and then things stopped. Commissioner Smith asked for a run-down of the history of this building.

Ms. Milano stated that in 1995 there was a fire. This building had been before the Unsafe Structures Board on numerous occasions. The owners were then granted extensions or continuances, and finally they pulled permits, but the work was not done.

Mayor Naugle asked if this matter had ever come before the Commission. Ms. Milano stated it had not. Mayor Naugle explained that he did not want to do anything illegal because on the other structures it stated the buildings exceeded 50% of the value of the property, but on 3904 S.W. 13 Court no such information was supplied. He felt that better evidence should have been supplied to the Board.

Commissioner Moore reiterated that the Unsafe Structures Board ruled the building to be unsafe and the residents in the community want the building torn down. Commissioner Moore called the question.

Ms. Milano stated that the condition of the property through the course of violations had changed. Commissioner Smith stated that the process was flawed if this building could sit in its condition since 1995. Commissioner Smith agreed the building should be torn down, but the system needed to be reviewed so things like this would not continue to take place.

*Ivan Singer* stated they were issued permits to do the work and the permits were revoked by the City before the expiration dates.

Mr. Ball also stated that they were involved in lengthy battles with the insurance company regarding this property.

*Cecelia Hollar*, Director of Construction Services, stated that John Smith had not conferred with her specifically regarding this matter, but generally permits were not revoked. She stated that they probably had filed for the permit, the permit was issued, and if they did not call for final inspections the permit would expire.

The vote was taken regarding the property at 3904 S.W. 13 Court. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ORDERING THE DEMOLITION OF THE BUILDING OR BUILDINGS UPON EACH PROPERTY LEGALLY DESCRIBED IN THE ATTACHED SCHEDULE "A", BECAUSE OF NON-COMPLIANCE WITH THE FLORIDA BUILDING CODE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**The Commission referred back to Item R-2 AT 8:46 P.M.**

(Continued from page 26)

*Boe Cole*, City Treasurer, proceeded to give the breakdown that had been requested by Commissioner Katz in regard to this matter.

The total was \$141,500, including \$20,000 legal fees; \$8,000 for property appraiser; \$8,000 for bookkeeping services; \$10,000 miscellaneous; \$12,500 for Broward County Revenue Collection Fees; \$10,000 for Recruitment Specialist; \$60,000 for government liaison and consultant; and \$13,000 for an art curator.

Mayor Naugle asked where the \$100,000 came from for the mobility study. Mr. Cole stated that the mobility study came under the Capital Projects Fund which was budgeted for \$400,000. He further explained that there were monies budgeted for revenue contributions to offset that amount.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 02-163

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, LEVYING AN AD VALOREM TAX FOR FISCAL YEAR 2002/2003 ON BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CHAPTER 69-1056, LAWS OF FLORIDA, SPECIAL ACTS OF 1969.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**Advisory Board Appointments**

**(OB)**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Parks and Recreation and  
Beaches Advisory Board

Michael Natale  
Shirley Small  
Antonio Martinez

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD  
MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED  
HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

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**ABC Primetime News**

**(OB)**

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 02-172

A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF FORT LAUDERDALE, FLORIDA, CONCURRING  
WITH THE CLOSURE OF THE TWO EAST BOUND LANES  
OF TRAFFIC ON THE LAS OLAS BOULEVARD BRIDGE  
IN CONNECTION WITH FILMING FOR THE ABC PRIMETIME  
NEWS PROGRAM.

Which resolution was ready by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

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**South Runway Expansion**

**(OB)**

Commissioner Hutchinson stated that she had received information regarding a law firm which dealt with airports and environmental impact studies. She stated that she was going to pass this information along to the City Manager. She felt it was incumbent on the City to have the proper technical and legal experts since the opposition to this matter was supplying a lot of information to the County Commission which she felt was inaccurate. She further asked the City Manager to contact these people and consider using their services.

Mayor Naugle stated that he agreed since a lot of the other cities were spending lots of money to fight this issue. He also stated that possibly Executive Airport could help in the hiring of specialists.

Commissioner Smith stated that he felt the City Manager should spend whatever was necessary to hire

the professionals that were needed to push this matter forward. Commissioner Moore reiterated that this was the County's fight, and not the City's. Commissioner Hutchinson stated they were bound legally with the County as it related to the South Runway Expansion. Agreements had been signed with mitigation contingent on this happening, but she felt the City needed to do everything to insure that the runway got done and enforce the agreement that was in place.

Commissioner Moore stated that he did not want to enter into a long and binding contract. Commissioner Katz stated that if a consultant was going to be hired to review a study done by another consultant, she felt this could be done through the County Commission. Commissioner Hutchinson reiterated that the City needed to have someone looking out for their interests.

The City Manager stated that the Commission had expert legal advice at their disposal who had experience with the County and the airport. He felt they could look at the information supplied by Commissioner Hutchinson and give a recommendation by the end of next week.

**Victoria Park Banyan Tree**

**(OB)**

*John Fleming* asked about the status of the Banyan Tree. Mayor Naugle stated that he had asked to appeal the decision regarding the tree, but there was no support from the Commission to do so.

The City Attorney stated that he did not believe the tree could be saved. He explained that the issues before the Court had nothing to do with the quality of the tree, but dealt with the findings of fact by the Court. The judge's decision dealt with the process for the issuance of permits and determined that the Code of Ordinances the City had and the process that was available, it was an estoppel issue. He explained that Appellate Courts almost never overturned finding of facts and only overturned conclusions of law.

Commissioner Smith stated there was concern if the City went through the full court case there would be major fees involved, and asked if any had been incurred. The City Attorney stated that if the City appealed, there would be an automatic supersedeas and the other side would ask for a bond to be posted. He stated if everything was perfect in the appellate process, which nothing was, it would take six months to one year. The bond would probably be \$60,000 a month for one year. If the case was lost, they would not sue for damages but go against the bond.

Mayor Naugle stated that they could argue for a lesser amount. The City Attorney agreed and stated the City would argue that sovereign immunity applied. He explained that no additional fees had been incurred by the City in this case.

Mr. Fleming asked if there was no other possibility to save the tree. The City Attorney stated that another possibility was that one of the witnesses who gave information about the tree was the City's Urban Forester who indicated that the tree could be moved to a nearby park, but the cost would be approximately \$100,000. The Forester had stated that the tree had been about 50 years old.

Commissioner Smith stated they were not happy in losing this case, but the City Manager had been instructed not to let this situation happen again and have such trees protected ahead of time.

There being no further business to come before the Commission, the meeting was adjourned at approximately 9:02 p.m.

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Jim Naugle  
Mayor

ATTEST:

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Lucy Kisela  
City Clerk